

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>LYNNETTE COLON, <i>on behalf of herself and all others similarly situated,</i></p> <p style="text-align: right;">Plaintiff(s),</p> <p style="text-align: center;">-against-</p> <p>MAMA TACO LLC, AMK BROOKLYN INC., KEVIN BURCH, MICHAEL CIRON, NATANAEL VALERIO, and ROSE RODRIGUEZ,</p> <p style="text-align: right;">Defendant(s).</p> <p>-----X</p>	<p>DOCKET No.: 1:24-cv-05821-MKV</p> <p style="text-align: center;">ANSWER</p>
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DEFENDANTS MAMA TACO LLC, AMK BROOKLYN INC., MICHAEL CIRON, NATANAEL VALERIO, and ROSE RODRIGUEZ by their attorneys Law Office of VICTOR J. MOLINA and BENJAMIN SHARAV, Esq. interpose the following in Answer to the numbered paragraphs of the Complaint herein:

NATURE

1. Deny.
2. Statement of Plaintiffs' intentions requires no response.

JURISDICTION AND VENUE

3. Admit.
4. Admit.
5. Admit.

PARTIES

Plaintiff

6. Admit.
7. Admit, except as to precise term.
8. Admit.

Defendant MAMA TACO

- 9. Admit.
- 10. Admit.
- 11. Admit.
- 12. Admit.
- 13. Admit.
- 14. Admit.

Defendant AMK BROOKLYN

- 15. Admit.
- 16. Admit.
- 17. Admit.
- 18. Admit.
- 19. Admit.
- 20. Admit.

Defendant KEVIN BURCH

- 21. No response for non-answering Defendant.
- 22. No response for non-answering Defendant.
- 23. No response for non-answering Defendant.
- 24. No response for non-answering Defendant.
- 25. No response for non-answering Defendant.
- 26. No response for non-answering Defendant.

Defendant MICHAEL CIRON

- 27. Admit.
- 28. Deny.

- 29. Deny.
- 30. Deny.
- 31. Deny.
- 32. Deny.

Defendant NATANAEL VALERIO

- 33. Admit.
- 34. Deny.
- 35. Deny.
- 36. Deny.
- 37. Deny.
- 38. Deny.

Defendant ROSE RODRIGUEZ

- 39. Admit.
- 40. Deny.
- 41. Deny.
- 42. Deny.
- 43. Deny.
- 44. Deny.

- 45. Deny.
- 46. Deny.
- 47. Deny.
- 48. Deny.
- 49. Deny.
- 50. Deny.

51. Deny.

52. Deny.

53. Deny.

FACTUAL ALLEGATIONS

54. Deny.

55. Deny.

56. Admit.

57. Admit.

58. Deny.

59. Admit except as to precise details.

60. Deny.

61. Deny.

62. Deny.

63. Deny.

64. Deny.

65. Deny.

66. Deny.

67. Deny.

68. Deny.

69. Deny.

70. Deny.

71. Deny.

72. Deny.

73. Deny.

74. Deny.

75. Deny.

76. Deny.

77. Deny.

78. Deny.

79. Deny.

80. Deny.

81. Deny.

- 82. Deny.
- 83. Deny.
- 84. Deny.
- 85. Deny.
- 86. Deny.
- 87. Deny.

COLLECTIVE ACTION ALLEGATIONS

- 88. Statement of Plaintiffs' intentions does not call for admission or denial.
- 89. Deny.
- 90. Deny.
- 91. Statement of Plaintiffs' intentions does not call for admission or denial.

FIRST CLAIM: FLSA Minimum Wage

- 92. Deny to the extent previously denied.
- 93. Deny
- 94. Deny.
- 95. Deny.

SECOND CLAIM: FLSA Overtime

- 96. Deny to the extent previously denied.
- 97. Admit.
- 98. Statement of law requires no admission or denial.
- 99. Deny.
- 100. Deny.
- 101. Deny.

THIRD CLAIM: NYLL Minimum Wage

- 102. Deny to the extent previously denied.
- 103. Deny.

- 104. Statement of law requires no admission or denial.
- 105. Deny.

FOURTH CLAIM: NYLL Overtime

- 106. Deny to the extent previously denied.
- 107. Admit,
- 108. Admit.
- 109. Deny.
- 110. Deny.
- 111. Deny.

FIFTH CLAIM: NYLL Spread

- 112. Deny to the extent previously denied.
- 113. Deny.
- 114. Deny.
- 115. Deny.

SIXTH CLAIM: NYS Wage Notice

- 116. Deny to the extent previously denied.
- 117. Deny.
- 118. Deny
- 119. Deny.

SEVENTH CLAIM: NYLL Wage Statement

- 120. Deny to the extent previously denied.
- 121. Statement of law requires no admission or denial.
- 122. Deny.

EIGHTH CLAIM: NYLL Unlawful Deduction

- 123. Deny to the extent previously denied.
- 124. Admit.
- 125. Statement of law requires no admission or denial.

126. Deny.

127. Deny.

128. Deny.

NINTH CLAIM: FLSA Unlawful Deduction

129. Deny to the extent previously denied.

130. Deny.

131. Deny.

132. Deny.

133. Deny.

134. Deny.

AFFIRMATIVE DEFENSES

FIRST. The Complaint fails to state a claim against the Defendants upon which relief may be granted.

SECOND. The Defendants have not breached any duty owed to plaintiffs.

THIRD. Plaintiffs' claims are barred by the applicable statutes of limitations.

FOURTH. That Defendant's did not generate the sales volume required for coverage under the FLSA.


FIFTH. Because the Complaint is couched in broad and conclusory terms, Defendants cannot fully anticipate all defenses that may be applicable to the above-entitled action. Accordingly, the right to assert additional defenses and amend this answer, if and to the extent that such defenses are applicable, is hereby reserved.

PRAYER FOR RELIEF

Wherefore, Defendants pray as follows:

1. That Plaintiffs take nothing by way of their Complaint;
2. That the Complaint be dismissed in its entirety with prejudice;
3. That Defendants be awarded its fees and costs, including reasonable attorneys' fees and expert fees, in defense of this action as allowed by law; and
4. For such other and further relief as the Court may deem just and proper.

Dated: Bronx, New York
October 2, 2024

/S/ 

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AFFIRMATION OF SERVICE

STATE OF NEW YORK }
COUNTY OF BRONX } SS:

I, BENJAMIN SHARAV, being an attorney licensed to practice in New York and in the United States Courts for the Southern and Eastern Districts of New York depose and state under awareness of the penalties for perjury:

That on October 2, 2024, I served the within ANSWER by, e-mail and ECF on

To: LEVIN-EPSTEIN & ASSOC., P.C.
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Jason Mizrahi
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<p style="text-align: center;">Law Office of VICTOR J. MOLINA BENJAMIN SHARAV Attorneys for Defendants</p> <p>MAMA TACO LLC, AMK BROOKLYN INC., MICHAEL CIRON, NATANAEL VALERIO, and ROSE RODRIGUEZ 930 Grand Concourse Bronx, NY 10451 Tel.: (718) 401-1600 v.j.molina@verizon.net juris_ben@msn.com</p>	
To:	<p>LEVIN-EPSTEIN & ASSOC., P.C. Joshua Levin-Epstein Jason Mizrahi 60 East 42nd Street, Suite 4700 New York, New York 10165 Tel: (212) 792-0046 Email: Joshua@levinepstein.com Jason@levinepstein.com</p>